

APPROVED: MEETING NO. 1-86

ATTEST: *Helen M. Heneghan*
MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 54-85

December 16, 1985

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, December 16, 1985, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James F. Coyle

Councilman Peter Hartogensis

ABSENT

Councilman Douglas M. Duncan
(on business leave)

The Mayor in the Chair.

In attendance: Acting City Manager Daniel Hobbs; City Clerk Helen M. Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. The Rockville Pike Advisory Committee is winding up its work. It will review a draft committee report on December 17. Upon acceptance, the report will be forwarded to the Planning Commission in order to schedule work sessions during January and February. Hopefully, a joint work session can be scheduled between the Mayor and Council and the Planning Commission.

2. Although the City has been experiencing problems with the seven Chevrolet police cruisers, there has been no reduction in public safety.

Meetings have been held with General Motor officials and there will be a follow up meeting on January 10.

3. On behalf of the City staff a happy holiday season is wished to the Mayor and Council.

Councilman Hartogensis said he attended a meeting of the Rockville Pike Committee and was impressed with their hard work and the valuable contribution they are making toward constructive solutions to that problem.

Mayor Van Grack said he spoke to the combined group of Mothers Against Drunk Drivers (MADD) and Students Against Drunk Drivers (SADD) and joined in their candle light vigil. He read a proclamation prepared for that occasion. On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the Council adopted the proclamation.

Re: Presentation - High
School Award winning
teams

The Richard Montgomery Football Team, the Wootton Girls Volleyball Team, the Rockville High Girls Field Hockey Team, and the Rockville High Boy's Cross Country Team, were honored by the Mayor and Council. Their coaches were presented with plaques and members of the teams received certificates. The Mayor and Council thanked these young people for the valuable contribution they made to the City.

Councilman Hartogensis told of the extremely valuable experience he had in attending the National League of Cities Annual Meeting in Seattle, Washington where he was joined by 7,000 Mayor and Councilmembers from around the country. There were three days of meetings and workshops the theme being "Cities Must Do More with Less". Rockville is fortunate to have used little federal funding over the years so it will not be as difficult as for some cities that are dependent upon federal monies.

Councilman Abrams said he had been very active with the two policy committee meetings - Transportation and Energy & Environment. Much of the discussion was on the Graham-Rudman Bill and its impact on cities. There is a chance that Maryland may host a NLC conference early in the 1990s. A bid has gone out for that. At that same time, two women were elected to office, Kathy Reynolds of Denver and Pamela Plummer from Portland, Maine, putting them in line for presidency in the near future.

Councilman Coyle expressed his appreciation for the opportunity to attend the conference as a first-time councilman. He particularly noted the presentation by Charles Karault who did "On the Road" perspectives in which he visited small towns across the nation.

Re: Appointments

Mayor Van Grack proposed the following names for appointment. They were confirmed by the Council:

Rockville Housing Authority: Carole Cohen - reappointed - expires 8/88
Ardell Shirley - appointed - expires 8/88

Historic District Commission: Bryan Blundell - reappointed - expires 1/89
Virginia Calantonio - appointed - expires 1/89
Alice Kelly - appointed - expires 1/87

Planning Commission: Richard Arkin - appointed - expires 1/89

Recreation and Park Advisory Board: Terry Harris - appointed - expires 12/87

Senior Citizens Commission: Tom Reilly - reappointed - expires 1/87

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Robert Jacques, 629 Aster Boulevard. Mr. Jacques drew the Council's attention to the January 13 public meeting that will be held on cable television. He noted he is enjoying good service right now but he hopes the City will have

an opportunity to testify at the hearing. It is possible that the company can reach a compromise by reducing the number of channels.

2. Charles Frank, 261 Congressional Lane. Mr. Frank told the Mayor and Council that in the five years he has been a resident of Congressional Towers, there has been a 73 percent rent increase which certainly exceeds the cost of living for retired people. He would like the City's assistance on this. The Mayor and Council agreed to set up a meeting with the Pollinger Company.

3. Sandy Orlow, 5826 Vandergrift Avenue, Twinbrook Citizens Advisory Task Group, Holladay/Tyler. Mr. Orlow briefed the Council on the history of Holladay/Tyler and the new complaints that have been received concerning chemical odors and fumes. The State does not seem to be doing what it should to help with compliance. He asked the Mayor and Council for further assistance. The Mayor and Council agreed they would look into the current status and find out whether there are Science and Technological issues or legal issues currently in question.

4. Chuck Osborne, 500 Nelson Street, President of Peerless Rockville. Mr. Osborne presented the members of the Mayor and Council with the annual calendar of Peerless Rockville and spoke of the accomplishments of this organization which has now over 300 members and is dedicated to preservation in the City.

5. Pat Lee, 310 Baltimore Road. Ms. Lee told the Mayor and Council that a bad traffic situation exists at the intersection of Rt. 28 and Avery Road where the Mark Twain School is located. Because of the increase in traffic there, a left turn is almost impossible and something should be done. The Mayor and Council agreed to send a letter to the State to look into this.

6. Mrs. Plakotaris, 1001 Neal Drive. Mrs. Plakotaris brought documentation referring to the problems that have existed on sewer backups dating back to 1965. She asked the Mayor and Council for assistance. The Mayor and Council

agreed to request that a claims adjuster go back and review Mrs. Plakotaris' particular situation.

There being no further citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Adoption of
Ordinance: To Amend
Chapter 17 of the
Laws of Rockville,
entitled "Sediment
Control and Storm
Water Management" so
as to make changes
required by the State
Water Resources
Administration and
other revisions and
modifications

Re: Adoption of
Resolution: To
approve Sediment
Control and Storm
Water Management
Regulations pursuant
to Chapter 17

Re: Adoption of
Resolution: To amend
the rate and schedule
of contribution for
off-site storm water
management pursuant
to Chapter 17.

(On motion of Councilman Hartogensis, duly seconded and passed by unanimous vote of all present, the proceeding items were all tabled because of a request from the State of Maryland to await their review to be assured of compliance.)

Re: Decision and
Instructions to staff
re: Annexation
Petition, X-97-85,
Covenant/Schiavone,
Applicant, requesting
the annexation of 11.4
acres of land, on the
west side of Maryland
Route 28, opposite
Research Boulevard
and placement in the
O-1, Office Zone

Councilman Abrams moved, duly seconded that the Mayor and Council approve the annexation of this property and authorize placement of this property in the O-1 Zone with an appropriate contract of annexation embodying conditions.

Councilman Abrams said he has reviewed this particular application since it has come before this Council previously and at that time Route 28 was a line of demarcation but no longer. The natural division is now the ridge line and this property would be an extension of that development on Research Boulevard.

Councilman Hartogensis spoke and said he shared Councilman Abrams comments and felt that development in the past 15 years has been substantial enough to change the character of that neighborhood.

Councilman Coyle disagreed and said a number of citizens would prefer that property be used residential or as open space. The Planning Staff and Commission both see Route 28 as the dividing line.

Mayor Van Grack said he agreed with Councilman Coyle's position for some other reasons. He concurs with the residential development and maintaining Route 28 as the demarcation line and he feels that there are other corridors more appropriate for commercial zoning and there is a need for residential.

Councilman Abrams' motion failed to pass, Councilman Abrams and Hartogensis voting aye and Mayor Van Grack and Councilman Coyle voting nay.

The staff was instructed to prepare the necessary legal documentation to deny the annexation since without the requested zoning the applicants would prefer not to be annexed.

Re: Annual Report of the
Board of Appeals

Richard Arkin, Chairman of the Board of Appeals, presented the groups annual report. Present with him were members Karen Lechter, Patrick Woodward and Robert Puckett. The Mayor and Council thanked the Board of Appeals for their work. Copies of the report are on file at City Hall.

Re: Review of Proposed
Scope of Services for
Police Consultant

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, this item was deferred.

Re: Approval of Revised
Policy re Claims
Procedure for Mainline
Sewer Backups

The Mayor and Council have expressed an interest in changing the current Supplemental Damages Claim Procedure for main line sewer stoppages, with a retroactive effective date of November 1, 1985, as follows:

- * A higher ceiling for compensation of damages. The ceiling would be raised from \$1,000 to \$3,500 per claimant.
- * A cost-sharing arrangement for damages between the City and the claimant. The total amount of compensation from the City would be 75% of damages incurred, not to exceed the cap of \$3,500. The claimant would be responsible for the remaining 25% of the cost of damages.
- * A limit on compensation under this procedure to first-time, one-time only claims for mainline sewer stoppages.

To fund this type of compensation, the Mayor and Council have suggested that a \$1 to \$2 charge per user of the sewer system to create a fund. There are approximately 11,000 users of the system.

In summary, this means the caps established for claims which may be made against the Supplemental Damages Claim Procedures would be:

*Main Line Sewer Stoppages	\$3,500
*Water Main Breaks	\$2,000
*Disturbed Water Damage to Laundry	\$ 200
*Lateral Line Sewer Stoppages	not eligible

Councilman Hartogensis suggested adding that this policy is applicable only where there is no insurance coverage or third party payment to compensate for damage. The homeowner will sign a full release for damages against the City and subrogation to recover from any third party.

Councilman Abrams suggested the staff devise a plan so that information to homeowners can be placed on all water billings explaining that insurance is available for a nominal fee. At the same time he suggested that the City act as a party to obtaining a master insurance contract and the information be flagged on the bill itself. The Mayor and Council suggested the staff get more information on Councilman Abrams suggestion, but tonight should act to approve the policy. Councilman Abrams agreed, there is no problem with that; however, he would like to see added to the policy, the fact that it would be in place for 18 months. The Mayor and Council agreed to this addition and approved the policy unanimously with the addition suggested by Councilman Hartogensis and the time limit placed on it by Councilman Abrams.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Alexander Greene, re Tribune United franchise
2. S. MacDonald, HRC, re Martin Luther King program

Mayor Van Grack asked the Clerk to respond saying the Mayor and Council will gladly attend and participate.

3. ERCA, re Task Force program

Councilman Hartogensis said he has a problem with the Mayor and Council or Planning Commission participating in a matter that could come before them for a development decision. Mr. Hobbs told the Council that the

Public Information officer is working now to set up a meeting with the East Rockville Civic Association. That point will be brought forward.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Washington Post article on election reform
2. Memo from Public Information Officer re Sister City celebration

Councilman Abrams suggested this be discussed during budget sessions.

3. Letter complimenting staff
4. Memo from cable oversight committee
Montgomery County monthly report on cable television
5. Information on Celebrity vehicles
6. Draft letter to Del. Gordon re Falls Road

The Mayor and Council agreed the letter should be sent and copies should be sent to Horizons Hills and Potomac Woods Civic Association and the Ritchie Park PTA.

7. ACSC activities for November, 1985
8. Response to citizen's question
9. Department of Finance - Progress Report
10. Response to citizen's questions
11. Memo from Advisory Commission on Public Education re expansion
12. Memo from Acting City Manager re Consent Agenda

Councilman Hartogensis said he is delighted that staff has responded to his suggestion and the Mayor asked that this item be placed on an agenda for adoption.

Re: New Business

1. The Invitation for Bid was issued to obtain a company to provide the City of Rockville with maintenance and installation services for all the radio and other equipment included in the City's communication network.

The following equipment is covered by the proposed maintenance agreement:

	<u>QUANTITY</u>
(A) Vehicle Mounted Transceivers - VHF	105
(B) Vehicle Mounted Transceivers - UHF	10
(C) Handheld Transceivers (portable) - VHF	13
(D) Handheld Transceivers (portable) - UHF	29
(E) Charging Unites (Portable)	26
(F) Pagers	10
(G) Charging Units for Pagers	10
(H) Scanner/Monitor	15
(I) Police Console	1
(J) Base Station	4

Bids were requested for the period January 1, 1986 - December 31, 1986, with an option to extend the contract for the period January 1, 1987 - December 31, 1987. The option to extend the contract is at the sole discretion of the City. The determination to extend the contract will depend on the satisfactory performance of the company.

The Invitation for Bid stated that the City will make an award based on the low total bid for the two periods combined.

Bids were opened at 3:00 p.m. on Friday, December 6, 1985, at City Hall.

The following bids were received:

<u>COMPANY</u>	<u>1/1/86 thru 12/31/86</u>	<u>1/1/87 thru 12/31/87</u>	<u>TOTAL</u>
J.T. Tronics, Inc., Rockville, MD	\$13,138.23	\$13,332.50	\$26,470.83
Teltronics, Inc., Silver Spring, MD	\$13,359.60	\$13,719.60	\$27,079.20
Campbell Electronics, Stevensville, MD	\$13,530.40	\$13,805.40	\$27,335.80
Motorola Communications & Electronics, Schaumburg, Illinois	\$31,858.00	\$44,395.80	\$76,253.80

The bid prices quoted above are on a calendar year basis and performed during fiscal years 86, 87 and 88.

The low bidder, J. T. Tronics, Inc., has previously satisfactorily completed similar work for the City.

It is recommended that award be made to J.T. Tronics for both the original period and the optional period in the total amount of \$26,470.83.

It is also recommended that the City Manager be authorized to make a determination to exercise the option for the second year upon confirmation that

the company has been performing satisfactorily and that the price is still fair and reasonable.

On motion of Councilman Hartogensis, duly seconded and passed by unanimous vote of all present, Bid 51-86 was awarded to the J. T. Tronics, Inc., Company in the total amount of \$26,470.83.

2. Councilman Abrams asked that the Board of Elections find out from the Supervisors of Elections how political PAC's file and whether or not they must file with the County Board of Elections if they contribute money in the City or to City elections.

3. The City Clerk suggested to the Mayor and Council that since the Board of Appeals will be absent two members for the discussion of one application at the January 4, 1986, meeting, the Mayor and Council might exercise their prerogative of appointing a temporary alternate as allowed by the zoning ordinance.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Jeryl Gegan was appointed temporary alternate to the Board of Appeals for the January 4, 1986, meeting.

4. The City Clerk asked the Council's permission to proceed with the procurement of a copy of the City Seal to hang in the Council Chamber on the wall behind the desk. The Mayor and Council agreed unanimously that this should be done.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 51-85, November 18, 1985, were approved as written.

On motion of Councilman Hartogensis, duly seconded and passed by unanimous vote of all present, the Minute of Meeting No. 52-85, November 21, 1985, were approved as written.

Re: Executive Session

On motion of Councilman Abrams, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at midnight, to convene again in general session on Monday, January 13, 1986, at 8:00 p.m. or at the call of the Mayor.